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10 AND AUTOMATTIC INC.
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12
13 UNITED STATES DISTRICT COURT
14
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16
17 SAN FRANCISCO DIVISION
18

19 MATTHEW MULLENWEG, an individual,) Case No.: C 05 4954 WHA
20 and AUTOMATTIC INC., a Delaware)
21 Corporation,) **STIPULATION FOR**
22) **DISMISSAL WITH PREJUDICE**
23 Plaintiffs,)
24)
25 v.)
26)
27)
28 RIC JOHNSON, an individual, and)
OPENDOMAIN.ORG,)
Defendants.)


1 TO THE COURT AND ALL PARTIES:

2 IT IS HEREBY STIPULATED, pursuant to a settlement and release
3 agreement between Plaintiffs Automattic Inc. and Matthew Mullenweg, and
4 Defendant Ric Johnson and Opendomain.org, that this Court enter a dismissal with
5 prejudice of Plaintiffs' Complaint in the above-entitled action pursuant to Fed. R.
6 Civ. P. 41, with each party to bear their own attorney's fees and costs.

7 The dismissal with prejudice shall dismiss the action in its entirety.

8
9 DATED: 1/25/06

GREENBERG TRAURIG, LLP

10 By: 

11 David Frazee
12 Attorneys for Plaintiffs
13 MATTHEW MULLENWEG
14 and AUTOMATTIC INC.

15 DATED: _____

MCNEES WALLACE & NURICK, LLC

16 By: _____

17 Jonathan P. Miller
18 Attorneys for Defendants
19 RIC JOHNSON
20 and OPENDOMAIN.ORG
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1 TO THE COURT AND ALL PARTIES:

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9 DATED: _____

GREENBERG TRAURIG, LLP

10 By: _____

11 David Frazee
12 Attorneys for Plaintiffs
13 MATTHEW MULLENWEG
14 and AUTOMATTIC INC.

15 DATED: 1/27/06

MCNEES WALLACE & NURICK, LLC

16 By:  _____

17 Jonathan P. Miller
18 Attorneys for Defendants
19 RIC JOHNSON
20 and OPENDOMAIN.ORG
21
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Mullenweg v. Ric Johnson, et al.

Case No. C 05 4954 WHA

PROOF OF SERVICE

I, Kathleen Osterhout, declare that I am a citizen of the United States, over the age of eighteen years and not a party to the within action. I am an employee of GREENBERG TRAURIG, LLP, and my business address is 1900 University Avenue, Fifth Floor, East Palo Alto, CA 94303. On January 27, 2006, I served the following documents:


STIPULATION FOR DISMISSAL WITH PREJUDICE

- ☐ by transmitting via **FACSIMILE** the document(s) listed above to the fax numbers) set forth below, or as stated on the attached service list, on this date at approximately _____, from the sending facsimile machine telephone number of 650-289-7893. The transmission was reported as complete and without error by the machine. Pursuant to California Rules of Court, Rule 2008(e)(4), I caused the machine to print a transmission record of the transmission, a copy of which is attached to the original of this declaration. The transmission report was properly issued by the transmitting facsimile machine.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the **UNITED STATES MAIL** at East Palo Alto, California, addressed as set forth below.
- ☐ by **OVERNIGHT MAIL** by placing the document(s) listed above in a sealed overnight mail envelope with postage thereon fully prepaid, addressed as set forth below. I am aware that on motion of the party served, service is presumed invalid if delivery by Federal Express is more than one day after date of deposit with Federal Express.
- ☐ **(BY MESSENGER PERSONAL SERVICE)**. I caused delivery of such envelope by hand to the offices of the addressee.

Jonathan P. Miller
McNees Wallace & Nurick LLC
P.O. Box 1166
100 Pine Street
Harrisburg, PA 17108

I am readily familiar with the business practice of my place of employment in respect to the collection and processing of correspondence, pleadings and notices for mailing with United States Postal Service/Express Mail, Federal Express and other overnight mail services. The foregoing sealed envelope was placed for collection and mailing this date consistent with the ordinary business practice of my place of employment, so that it will be picked up this date with postage thereon fully prepaid at East Palo Alto, California, in the ordinary course of such business.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 27, 2006, at East Palo Alto, California.


Kathleen Osterhout